

ESTTA Tracking number: **ESTTA397366**

Filing date: **03/10/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91198927
Party	Plaintiff Melaleuca, Inc.
Correspondence Address	H. Dickson Burton TraskBritt 230 South 500 East Suite 300 Salt Lake City, UT 84102 UNITED STATES hdburton@traskbritt.com, TLPalfreyman@traskbritt.com, kwpowell@traskbritt.com,
Submission	Other Motions/Papers
Filer's Name	H. Dickson Burton
Filer's e-mail	hdburton@traskbritt.com, TLPalfreyman@traskbritt.com, kwpowell@traskbritt.com
Signature	/H. Dickson Burton/
Date	03/10/2011
Attachments	11-03-10 Amended Notice of Opposition.pdf (7 pages)(170969 bytes) Exhibit 1.pdf (5 pages)(41829 bytes) Exhibit 2.pdf (5 pages)(44126 bytes) Exhibit 3.pdf (5 pages)(54286 bytes) Exhibit 4.pdf (10 pages)(56387 bytes) Exhibit 5.pdf (11 pages)(266162 bytes) Exhibit 6.pdf (11 pages)(270109 bytes) Exhibit 7.pdf (11 pages)(261624 bytes) Exhibit 8.pdf (11 pages)(244684 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>MELALEUCA, INC.</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>ORGANIC INDIA USA, LLC</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91198927</p> <p>Mark: Vitality</p> <p>Int’l Class: 005</p> <p>Serial No.: 85/062,474</p> <p>Filed: June 14, 2010</p>
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AMENDED NOTICE OF OPPOSITION

Opposer, Melaleuca, Inc. (“Melaleuca”) is a corporation organized and existing under the laws of the State of Idaho, with its principal place of business located at 3910 South Yellowstone Highway, Idaho Falls, Idaho 83402-6003. Melaleuca believes that it will be damaged by the registration of the mark appearing in pending Trademark Application Serial No. 85/062,474 (the “subject mark”) of Organic India USA, LLC (“Applicant”) and hereby opposes the same.

As grounds for the present opposition, Melaleuca alleges, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters, as follows:

1. Melaleuca began using its family of VITALITY marks in interstate commerce in connection with the sale and promotion of its VITALITY PACK line of dietary supplements at least as early as September 1989. Melaleuca has thereafter continuously used the VITALITY mark in advertising, promoting, marketing and selling its dietary and nutritional supplement products throughout the United States.

2. Since at least as early as September 1989, Melaleuca has used VITALITY, in various forms and at various times, in interstate commerce in connection with the sale and promotion on dietary and nutritional supplements, including at least the following: VITALITY, VITALITY PAK, VITALITY PACK, VITALITY FOR MEN, VITALITY FOR WOMEN, VITALITY MINERAL COMPLEX, VITALITY CALCIUM COMPLETE, VITALITY MINERAL CHEWS, VITALITY FOR LIFE, VITALITY MULTIVITAMIN AND MINERAL, VITALITY GOLD, VITALITY 4, VITALITY 6, VITALITY TOTAL, and VITALITY COLDWATER OMEGA-3.

3. Melaleuca's VITALITY mark is inherently distinctive as applied to the VITALITY line of dietary and nutritional supplement products.

4. By virtue of Melaleuca's continuous use in commerce of VITALITY in connection with its VITALITY line of dietary supplement products, such products have become well and favorably known to the relevant trade and public under the family of VITALITY marks.

5. Melaleuca has invested substantial time, effort and expense in extensive promotion throughout the United States of the goods sold under its VITALITY family of marks. As a result, considerable goodwill has attached to the mark VITALITY to Melaleuca's benefit.

6. The family of VITALITY marks is representative of Melaleuca's reputation for designing and providing high quality products and symbolizes the goodwill of Melaleuca, which is invaluable.

7. In addition to its common law rights, Melaleuca owns U.S. Trademark Registration No. 1,706,196 for the word mark VITALITY PAK in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the

current status and title of the registration is attached hereto as Exhibit 1), for “dietary and nutritional supplements.”

8. Melaleuca owns U.S. Trademark Registration No. 2,108,070 for the word mark VITALITY FOR LIFE in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 2), for “dietary and nutritional supplements, and nutritional drink mixes for use as a meal replacement.”

9. Melaleuca owns U.S. Trademark Registration No. 2,656,385 for the word plus design mark VITALITY FOR LIFE in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 3), for “dietary supplements.”

10. Melaleuca owns U.S. Trademark Registration No. 3,929,755 for the word mark VITALITY COLDWATER OMEGA-3 in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 4), for “dietary supplements.”

11. Melaleuca owns U.S. Trademark Application No. 85/195,492 for the word mark VITALITY TOTAL in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 5), for “Dietary and nutritional supplements.”

12. Melaleuca owns U.S. Trademark Application No. 85/195,486 for the word mark VITALITY 6 in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 6), for “Dietary and nutritional supplements.”

13. Melaleuca owns U.S. Trademark Application No. 85/195,482 for the word mark VITALITY 4 in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 7), for “Dietary and nutritional supplements.”

14. Melaleuca owns U.S. Trademark Application No. 85/195,477 for the word mark VITALITY CALCIUM COMPLETE in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 8), for “Dietary and nutritional supplements.”

15. Applicant is the listed owner of the subject mark, Application Serial No. 85/062,474 filed June 14, 2010, for the mark VITALITY in International Class 005 for the following goods and services: “dietary and nutritional supplements.”

16. Melaleuca has priority of use in the VITALITY mark. Melaleuca has continuously used the VITALITY line of marks in advertising, promoting, and marketing its dietary supplement products throughout the United States years prior to the date of Applicant’s application to register the subject mark.

17. The subject mark will be or is being used for goods that are closely related to the goods offered by Melaleuca in connection with its family of VITALITY marks.

18. Applicant’s goods would be directed to the same customer segment of the consuming public as Melaleuca’s goods.

19. The subject mark is substantially similar to the VITALITY mark in sound, appearance, connotation, and commercial impression.

20. VITALITY is confusingly similar to Melaleuca’s family of VITALITY marks.

21. Applicant's use of the subject mark is likely to cause confusion, mistake, or deception as to the source of origin, sponsorship, or approval of Applicant's goods.

22. Due to the confusingly similar nature of Melaleuca's and Applicant's marks and the similarity of the goods offered under the respective marks, the relevant consuming public and the consuming public generally are likely to believe that Applicant's goods are those of Melaleuca or are in some way connected with, licensed by, or otherwise approved by Melaleuca.

23. Such confusion, mistake and/or deception are likely to damage and injure the purchasing public and Melaleuca.

24. Applicant's application and use of the VITALITY mark are without the knowledge, consent or approval of Melaleuca.

25. Based on the foregoing, Melaleuca believes that it will be damaged by the registration of the VITALITY mark in the United States Patent and Trademark Office.

ACCORDINGLY, Melaleuca prays that the present opposition be sustained and that registration of the subject mark be refused.

DATED this 10th day of March 2011.

TRASKBRITT, P.C.
Attorneys for Melaleuca, Inc.

/H. Dickson Burton/
H. Dickson Burton
Krista Weber Powell
TRASKBRITT, P.C.
230 South 500 East, Suite 300
P.O. Box 2550
Salt Lake City, Utah 84110
Telephone: 1.801.532.1922
Facsimile: 1.801.531.9168

Enclosure: **Exhibit 1** – U.S. Trademark Registration No. 1,706,196
 Exhibit 2 – U.S. Trademark Registration No. 2,108,070
 Exhibit 3 – U.S. Trademark Registration No. 2,656,385
 Exhibit 4 – U.S. Trademark Application No. 77/885,651
 Exhibit 5 – U.S. Trademark Application No. 85/195,492
 Exhibit 6 – U.S. Trademark Application No. 85/195,486
 Exhibit 7 – U.S. Trademark Application No. 85/195,482
 Exhibit 8 – U.S. Trademark Application No. 85/195,477

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of March, 2011, I electronically filed the foregoing Amended Notice of Opposition with the United States Patent & Trademark Office Trademark Trial & Appeal Board. A copy of the foregoing was sent via U.S. mail to the following:

ORGANIC INDIA USA, LLC
5311 WESTERN AVE STE T
BOULDER, CO 80301-2746

With a courtesy copy emailed and sent via U.S. Mail to:
Jessica A. Benford, Esq.



EXHIBIT 1

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-03-10 13:48:09 ET

Serial Number: 74177586 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 1706196

Mark (words only): VITALITY PAK

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2002-06-07

Filing Date: 1991-06-17

Transformed into a National Application: No

Registration Date: 1992-08-11

Register: Principal

Law Office Assigned: LAW OFFICE 11

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-02-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Melaleuca, Inc.

Address:

Melaleuca, Inc.
3910 South Yellowstone Highway
Idaho Falls, ID 83402
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Idaho

GOODS AND/OR SERVICES

International Class: [005](#)
Class Status: [Active](#)
[dietary and nutritional supplements](#)
Basis: [1\(a\)](#)
First Use Date: [1989-09-00](#)
First Use in Commerce Date: [1989-09-00](#)

ADDITIONAL INFORMATION

Disclaimer: ["PAK"](#)

MADRID PROTOCOL INFORMATION

USPTO Reference Number: [Z1230512](#)
International Registration Number: [0820891](#)
International Registration Date: [2004-03-09](#)
Original Filing Date with USPTO: [2004-03-09](#)
International Registration Status: [Application For IR Registered By IB](#)
Date of International Registration Status: [2004-04-08](#)
International Registration Renewal Date: [2014-03-09](#)
Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

[04-12-2004 - 08:08:07 - Application For IR Registered By IB](#)
[03-10-2004 - 16:15:45 - Manually Certified](#)
[03-10-2004 - 13:50:49 - New Application For IR Received](#)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "[Trademark Document Retrieval](#)" shown near the top of this page.

[2008-02-06 - Case File In TICRS](#)

[2002-06-07 - First renewal 10 year](#)

[2002-06-07 - Section 8 \(10-year\) accepted/ Section 9 granted](#)

[2002-04-03 - Combined Section 8 \(10-year\)/Section 9 filed](#)

[1997-09-15 - Section 8 \(6-year\) accepted & Section 15 acknowledged](#)

[1997-08-25 - Section 8 \(6-year\) and Section 15 Filed](#)

[1992-08-11 - Registered - Principal Register](#)

[1992-05-19 - Published for opposition](#)

1992-04-17 - Notice of publication

1992-01-23 - Approved for Pub - Principal Register (Initial exam)

1991-11-29 - Communication received from applicant

1991-10-10 - Non-final action mailed

1991-09-18 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jay H. Geller

Correspondent

Kimberly Sharp

Melaleuca of Canada, Inc.

3910 South Yellowstone Hwy

Idaho Falls, IN 83402-6003

Int. Cl.: 5

Prior U.S. Cl.: 18

United States Patent and Trademark Office **Reg. No. 1,706,196**
Registered Aug. 11, 1992

**TRADEMARK
PRINCIPAL REGISTER**

VITALITY PAK

MELALEUCA, INC. (IDAHO CORPORATION)
560 BROADWAY
IDAHO FALLS, ID 83042

FOR: DIETARY AND NUTRITIONAL SUP-
PLEMENTS, IN CLASS 5 (U.S. CL. 18).

FIRST USE 9-0-1989; IN COMMERCE
9-0-1989.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "PAK", APART FROM THE
MARK AS SHOWN.

SER. NO. 74-177,586, FILED 6-17-1991.

LINDA E. BLOHM, EXAMINING ATTORNEY

EXHIBIT 2

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-03-10 14:11:55 ET

Serial Number: 74480267 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2108070

Mark (words only): VITALITY FOR LIFE

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2007-10-31

Filing Date: 1994-01-14

Transformed into a National Application: No

Registration Date: 1997-10-28

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-10-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. MELALEUCA, INC.

Address:

MELALEUCA, INC.
3910 South Yellowstone Highway
Idaho Falls, ID 834026003
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Idaho

GOODS AND/OR SERVICES

International Class: 005

Class Status: Active

dietary and nutritional supplements, and nutritional drink mixes for use as a meal replacement

Basis: 1(a)

First Use Date: 1993-09-05

First Use in Commerce Date: 1993-09-05

International Class: 030

Class Status: Active

nutritional fiber based food bars

Basis: 1(a)

First Use Date: 1993-09-05

First Use in Commerce Date: 1993-09-05

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-10-31 - First renewal 10 year

2007-10-31 - Section 8 (10-year) accepted/ Section 9 granted

2007-10-31 - Assigned To Paralegal

2007-10-19 - TEAS Section 8 & 9 Received

2007-03-12 - Case File In TICS

2004-01-08 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-10-27 - Section 8 (6-year) and Section 15 Filed

2003-10-28 - TEAS Section 8 & 15 Received

2002-02-11 - Cancellation terminated for Proceeding

2002-02-11 - Cancellation dismissed for Proceeding

1998-07-09 - Cancellation Instituted No. 999999

1997-10-28 - Registered - Principal Register
1997-09-09 - Opposition terminated for Proceeding
1997-09-09 - Opposition dismissed for Proceeding
1995-10-03 - Opposition instituted for Proceeding
1995-07-26 - Extension Of Time To Oppose Received
1995-06-27 - Published for opposition
1995-05-26 - Notice of publication
1995-02-06 - Approved for Pub - Principal Register (Initial exam)
1994-12-08 - Communication received from applicant
1994-06-08 - Non-final action mailed
1994-05-30 - Assigned To Examiner
1994-05-30 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

Tyrie Barrott
MELALEUCA INC
3910 S YELLOWSTONE HWY
IDAHO FALLS, ID 83402-6003

Int. Cls.: 5 and 30

Prior U.S. Cls.: 18 and 46

United States Patent and Trademark Office

Reg. No. 2,108,070

Registered Oct. 28, 1997

**TRADEMARK
PRINCIPAL REGISTER**

VITALITY FOR LIFE

MELALEUCA, INC. (IDAHO CORPORATION)
3910 SOUTH YELLOWSTONE HIGHWAY
IDAHO FALLS, ID 834026003

FOR: DIETARY AND NUTRITIONAL SUPPLEMENTS, AND NUTRITIONAL DRINK MIXES FOR USE AS A MEAL REPLACEMENT, IN CLASS 5 (U.S. CLS. 18 AND 46).

FIRST USE 9-5-1993; IN COMMERCE 9-5-1993.

FOR: NUTRITIONAL FIBER AND BRAN-BASED FOOD BARS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 9-5-1993; IN COMMERCE 9-5-1993.

SER. NO. 74-480,267, FILED 1-14-1994.

CHARLES L. JENKINS, EXAMINING ATTORNEY

EXHIBIT 3

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-03-10 14:20:25 ET

Serial Number: [76360715 Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: [2656385](#)

Mark



(words only): [VITALITY FOR LIFE](#)

Standard Character claim: [No](#)

Current Status: [A partial Section 8 declaration has been accepted.](#)

Date of Status: [2009-01-09](#)

Filing Date: [2002-01-22](#)

Transformed into a National Application: [No](#)

Registration Date: [2002-12-03](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 105](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [830 -Post Registration](#)

Date In Location: [2009-01-09](#)

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [Melaleuca, Inc.](#)

Address:

[Melaleuca, Inc.](#)

[3910 S. Yellowstone Highway Attn: Legal Department](#)

[Idaho Falls, ID 83402](#)

[United States](#)

Legal Entity Type: [Corporation](#)

State or Country of Incorporation: [Idaho](#)

Phone Number: [208-522-0700](#)

Fax Number: [208-528-2063](#)

GOODS AND/OR SERVICES

International Class: [005](#)

Class Status: [Active](#)

[Dietary supplements;](#)

Basis: [1\(a\)](#)

First Use Date: [1993-09-05](#)

First Use in Commerce Date: [1993-09-05](#)

International Class: [030](#)

Class Status: [Section 8 - Cancelled](#)

Basis: [1\(a\)](#)

First Use Date: [1993-09-05](#)

First Use in Commerce Date: [1993-09-05](#)

ADDITIONAL INFORMATION

Design Search Code(s):

[02.01.31](#) - Men, stylized, including men depicted in caricature form

[02.01.33](#) - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures

[02.09.05](#) - Humans, including men, women and children, depicted running; Running, humans

[02.09.12](#) - Flying, humans (self-propelled); Humans, including men, women and children, depicted flying (self-propelled)

[26.01.02](#) - Circles, plain single line; Plain single line circles

[26.17.09](#) - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

Prior Registration Number(s):

[1919209](#)

[2108070](#)

MADRID PROTOCOL INFORMATION

USPTO Reference Number: [Z1230513](#)

International Registration Number: [0820887](#)

International Registration Date: [2004-03-09](#)

Original Filing Date with USPTO: [2004-03-09](#)

International Registration Status: [Application For IR Registered By IB](#)

Date of International Registration Status: [2004-04-08](#)

International Registration Renewal Date: [2014-03-09](#)

Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

[08-11-2005 - 22:01:28 - Subsequent Designation Processed By IB](#)

[05-27-2005 - 16:00:26 - Subsequent Designation Sent To IB](#)

[05-26-2005 - 18:28:53 - Subsequent Designation Received](#)

[04-12-2004 - 08:07:45 - Application For IR Registered By IB](#)

[03-10-2004 - 13:52:41 - Manually Certified](#)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-01-09 - Section 15 acknowledged

2009-01-09 - Partial Section 8 (6-year) accepted

2008-11-26 - Section 8 (6-year) and Section 15 Filed

2008-12-01 - Assigned To Paralegal

2008-11-26 - TEAS Section 8 & 15 Received

2008-07-16 - Case File In TICSRS

2002-12-03 - Registered - Principal Register

2002-09-10 - Published for opposition

2002-08-21 - Notice of publication

2002-06-15 - Approved for Pub - Principal Register (Initial exam)

2002-04-30 - Communication received from applicant

2002-05-03 - PAPER RECEIVED

2002-04-23 - Non-final action mailed

2002-04-04 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent
MELALEUCA, INC.
3910 S. YELLOWSTONE HIGHWAY
IDAHO FALLS, ID.83402
Phone Number: 208-522-0700
Fax Number: 208-528-2063

Int. Cls.: 5 and 30

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

United States Patent and Trademark Office

Reg. No. 2,656,385

Registered Dec. 3, 2002

**TRADEMARK
PRINCIPAL REGISTER**



MELALEUCA, INC. (IDAHO CORPORATION)
3910 S. YELLOWSTONE HIGHWAY
IDAHO FALLS, ID 83402

FOR: READY TO EAT NUTRITIONAL FIBER
BASED FOOD BARS, IN CLASS 30 (U.S. CL. 46).

FOR: DIETARY AND NUTRITIONAL SUPPLE-
MENTS; NUTRITIONAL DRINK MIX FOR USE AS
A MEAL REPLACEMENT; POWDERED FIBER-
BASED DIETARY SUPPLEMENT DRINK MIX;
AND READY TO EAT NUTRITIONAL FOOD BARS
FOR USE AS A MEAL REPLACEMENT, IN CLASS 5
(U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 9-5-1993; IN COMMERCE 9-5-1993.

OWNER OF U.S. REG. NOS. 1,919,209 AND
2,108,070.

SER. NO. 76-360,715, FILED 1-22-2002.

FIRST USE 9-5-1993; IN COMMERCE 9-5-1993.

VERNA BETH RIRIE, EXAMINING ATTORNEY

EXHIBIT 4

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-03-10 14:19:00 ET

Serial Number: 77885651 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3929755

Mark

VITALITY COLDWATER OMEGA-3

(words only): [VITALITY COLDWATER OMEGA-3](#)

Standard Character claim: Yes

Current Status: [Registered](#). The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: [2011-03-08](#)

Filing Date: [2009-12-03](#)

Transformed into a National Application: [No](#)

Registration Date: [2011-03-08](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 117](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [650 -Publication And Issue Section](#)

Date In Location: [2011-02-01](#)

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [Melaleuca, Inc.](#)

Address:

Melaleuca, Inc.
Attn: Legal Department 3910 S. Yellowstone Hwy.
Idaho Falls, ID 83402
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Idaho
Phone Number: 208-522-0700
Fax Number: 208-534-2063

GOODS AND/OR SERVICES

International Class: 005
Class Status: Active
Dietary supplements containing Omega-3 fatty acids
Basis: 1(a)
First Use Date: 2010-01-04
First Use in Commerce Date: 2010-01-04

ADDITIONAL INFORMATION

Disclaimer: "OMEGA-3" AND "COLDWATER"

Prior Registration Number(s):
3096604
3107829
3272075

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-03-08 - Registered - Principal Register

2011-02-02 - Notice Of Acceptance Of Statement Of Use E-Mailed

2011-02-01 - Law Office Registration Review Completed

2011-01-28 - Assigned To LIE

2011-01-28 - Allowed for Registration - Principal Register (SOU accepted)

2011-01-27 - Statement Of Use Processing Complete

2011-01-04 - Use Amendment Filed

2011-01-27 - Case Assigned To Intent To Use Paralegal

2011-01-04 - TEAS Statement of Use Received

2011-01-04 - NOA E-Mailed - SOU Required From Applicant

2010-11-09 - Notice Of Publication E-Mailed

2010-11-09 - Published for opposition

2010-10-03 - Law Office Publication Review Completed

2010-09-28 - Approved For Pub - Principal Register

2010-09-28 - Examiner's Amendment Entered

2010-09-28 - Notification Of Examiners Amendment E-Mailed

2010-09-28 - EXAMINERS AMENDMENT E-MAILED

2010-09-28 - Examiners Amendment -Written

2010-09-28 - Previous Allowance Count Withdrawn

2010-09-17 - Withdrawn From Pub - Og Review Query

2010-09-08 - Law Office Publication Review Completed

2010-09-08 - Assigned To LIE

2010-08-25 - Approved For Pub - Principal Register

2010-08-25 - Examiner's Amendment Entered

2010-08-25 - Notification Of Examiners Amendment E-Mailed

2010-08-25 - EXAMINERS AMENDMENT E-MAILED

2010-08-25 - Examiners Amendment -Written

2010-02-25 - Notification Of Non-Final Action E-Mailed

2010-02-25 - Non-final action e-mailed

2010-02-25 - Non-Final Action Written

2010-02-19 - Assigned To Examiner

2009-12-12 - Notice Of Pseudo Mark Mailed

2009-12-11 - New Application Office Supplied Data Entered In Tram

2009-12-07 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

MELALEUCA, INC.

MELALEUCA, INC.

3910 S YELLOWSTONE HWY

IDAHO FALLS, ID 83402-6003

Phone Number: 208-522-0700

Fax Number: 208-534-2063

Trademark/Service Mark Application, Principal Register

Serial Number: 77885651

Filing Date: 12/03/2009

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77885651
MARK INFORMATION	
*MARK	VITALITY COLDWATER OMEGA-3
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	VITALITY COLDWATER OMEGA-3
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Melaleuca, Inc.
INTERNAL ADDRESS	Attn: Legal Department
*STREET	3910 S. Yellowstone Hwy.
*CITY	Idaho Falls
*STATE (Required for U.S. applicants)	Idaho
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	83402
PHONE	208-522-0700
FAX	208-534-2063
EMAIL ADDRESS	jehall@melaleuca.com

AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Idaho
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	005
*IDENTIFICATION	Dietary supplements
FILING BASIS	SECTION 1(b)
CORRESPONDENCE INFORMATION	
NAME	Melaleuca, Inc.
FIRM NAME	Melaleuca, Inc.
INTERNAL ADDRESS	Attn: Legal Department
STREET	3910 S. Yellowstone Hwy.
CITY	Idaho Falls
STATE	Idaho
COUNTRY	United States
ZIP/POSTAL CODE	83402
PHONE	208-522-0700
FAX	208-534-2063
EMAIL ADDRESS	jehall@melaleuca.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/William Athay/
SIGNATORY'S NAME	William Athay

SIGNATORY'S POSITION	Attorney of record, UT bar member
DATE SIGNED	12/03/2009

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2011)

Trademark/Service Mark Application, Principal Register

Serial Number: 77885651

Filing Date: 12/03/2009

To the Commissioner for Trademarks:

MARK: VITALITY COLDWATER OMEGA-3 (Standard Characters, see mark)

The literal element of the mark consists of VITALITY COLDWATER OMEGA-3.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Melaleuca, Inc., a corporation of Idaho, having an address of

Attn: Legal Department,
3910 S. Yellowstone Hwy.
Idaho Falls, Idaho 83402
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 005: Dietary supplements

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Correspondence Information:

Melaleuca, Inc.
Melaleuca, Inc.
Attn: Legal Department
3910 S. Yellowstone Hwy.
Idaho Falls, Idaho 83402
208-522-0700(phone)

208-534-2063(fax)

jehall@melaleuca.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /William Athay/ Date Signed: 12/03/2009

Signatory's Name: William Athay

Signatory's Position: Attorney of record, UT bar member

RAM Sale Number: 4150

RAM Accounting Date: 12/04/2009

Serial Number: 77885651

Internet Transmission Date: Thu Dec 03 17:34:27 EST 2009

TEAS Stamp: USPTO/BAS-67.134.56.2-200912031734275644

50-77885651-460a77d71c3c950e72a85774e895

bbfd191-DA-4150-20091202164519126947

VITALITY COLDWATER OMEGA-3

EXHIBIT 5

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-03-10 14:16:53 ET

Serial Number: 85195492 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

VITALITY TOTAL

(words only): [VITALITY TOTAL](#)

Standard Character claim: Yes

Current Status: [New application will be assigned to an examining attorney approximately 3 months after filing date.](#)

Date of Status: [2010-12-14](#)

Filing Date: [2010-12-10](#)

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: [Principal](#)

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [042 -New Application Processing](#)

Date In Location: [2010-12-14](#)

1. [Melaleuca, Inc.](#)

Address:

[Melaleuca, Inc.](#)

[Attn: Legal Department 3910 S. Yellowstone Hwy.](#)

[Idaho Falls, ID 83402](#)

[United States](#)

Legal Entity Type: [Corporation](#)

State or Country of Incorporation: [Idaho](#)

Phone Number: [208-522-0700](#)

Fax Number: [208-534-2063](#)

GOODS AND/OR SERVICES

International Class: [005](#)

Class Status: [Active](#)

[Dietary and nutritional supplements](#)

Basis: [1\(a\)](#)

First Use Date: [2008-08-27](#)

First Use in Commerce Date: [2008-08-27](#)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2010-12-15 - New Application Office Supplied Data Entered In Tram](#)

[2010-12-14 - New Application Entered In Tram](#)

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

[MELALEUCA, INC.](#)

[MELALEUCA, INC.](#)

[3910 S YELLOWSTONE HWY](#)

[IDAHO FALLS, ID 83402-6003](#)

[Phone Number: 208-522-0700](#)

Fax Number: 208-534-2063

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85195492

Filing Date: 12/10/2010

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	VITALITY TOTAL
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	VITALITY TOTAL
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Melaleuca, Inc.
INTERNAL ADDRESS	Attn: Legal Department
*STREET	3910 S. Yellowstone Hwy.
*CITY	Idaho Falls
*STATE (Required for U.S. applicants)	Idaho
*COUNTRY	United States
*ZIP/POSTAL CODE	83402

(Required for U.S. applicants only)	
PHONE	208-522-0700
FAX	208-534-2063
EMAIL ADDRESS	jehall@melaleuca.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Idaho
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	005
IDENTIFICATION	Dietary and nutritional supplements
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 08/27/2008
FIRST USE IN COMMERCE DATE	At least as early as 08/27/2008
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT 11\851\954\85195492\xml1\ FTK0003.JPG
SPECIMEN DESCRIPTION	EXCERPT FROM WEB PAGE
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/ LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	Melaleuca, Inc.
FIRM NAME	Melaleuca, Inc.
INTERNAL ADDRESS	Attn: Legal Department

*STREET	3910 S. Yellowstone Hwy.
*CITY	Idaho Falls
*STATE (Required for U.S. applicants)	Idaho
*COUNTRY	United States
*ZIP/POSTAL CODE	83402
PHONE	208-522-0700
FAX	208-534-2063
*EMAIL ADDRESS	jehall@melaleuca.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/William Athay/
* SIGNATORY'S NAME	William Athay
* SIGNATORY'S POSITION	Attorney of record, ID bar member
* DATE SIGNED	12/10/2010

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85195492

Filing Date: 12/10/2010

To the Commissioner for Trademarks:

MARK: VITALITY TOTAL (Standard Characters, see mark)

The literal element of the mark consists of VITALITY TOTAL.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Melaleuca, Inc., a corporation of Idaho, having an address of

Attn: Legal Department,
3910 S. Yellowstone Hwy.
Idaho Falls, Idaho 83402
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 005: Dietary and nutritional supplements

In International Class 005, the mark was first used at least as early as 08/27/2008, and first used in commerce at least as early as 08/27/2008, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) EXCERPT FROM WEB PAGE.

Specimen File1

The applicant's current Correspondence Information:

Melaleuca, Inc.
Melaleuca, Inc.
Attn: Legal Department
3910 S. Yellowstone Hwy.
Idaho Falls, Idaho 83402
208-522-0700(phone)
208-534-2063(fax)
jehall@melaleuca.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /William Athay/ Date Signed: 12/10/2010

Signatory's Name: William Athay

Signatory's Position: Attorney of record, ID bar member

RAM Sale Number: 3436

RAM Accounting Date: 12/13/2010

Serial Number: 85195492

Internet Transmission Date: Fri Dec 10 16:50:21 EST 2010

TEAS Stamp: USPTO/FTK-67.134.56.2-201012101650211066

53-85195492-4701d7773805c71812b8fccf5b36

93d7a-DA-3436-20101210113505360962

VITALITY TOTAL

Welcome, Stan Holland
Preferred Customer | Loyal Customer Since 2009

My Account Help Center Sign Out

Product Store Business Center Marketplace MyMelaleuca



Enter a product name, SKU, or keyword

Search

My Favorites

My Cart: 0 Items

Checkout

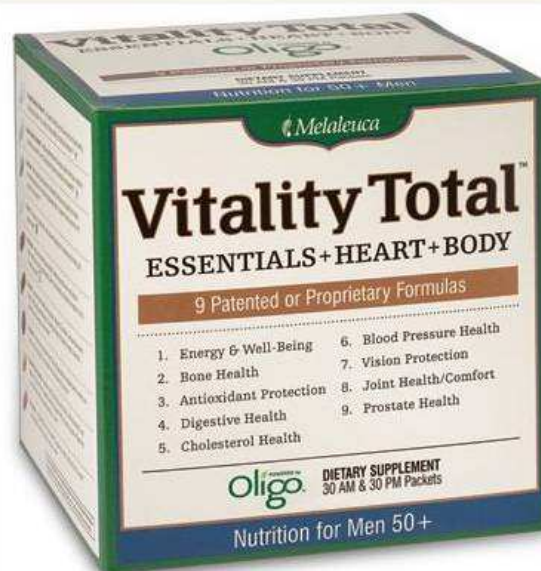
Vitamins & Supplements >
Food & Weight Loss >
Cleaning & Laundry >
Medicine Cabinet >
Dental Care >
Bath & Body >
Beauty >
Candles & Air Fresheners >
Pet Care >
Specials >
Sales Aids & Materials >

Shop by Lifestyle
Shop by Room
Shop by Health Needs
Compare and Save

Shop for:

Oligo Diabetic
Kosher Logo Gear
Gluten-Free Kids

Vitamins & Supplements > Multivitamins > Vitality Total™ 50+ Men



What Makes It Different?

From daily energy to heart health and improved mobility, if you need it, Vitality Total 50+ (Essentials + Heart + Body) has it. We've taken all the guesswork out of taking your supplements with convenient AM and PM packets that deliver the nutrients you need right when you need them most. Vitality Total includes head-to-toe support to keep you feeling your best—no matter what your age. Plus, Vitality Total 50+ saves you 39% over

Additional Information

Vitality Multivitamin & Mineral™

Download PDF

Melaleuca Anti-Doping Product List

Download PDF

Recommended for you



Unforgettables™ - 30 softgels

Regular Price: \$36.00

Your Preferred Customer Price: \$24.99
Savings: \$11.01
Points: 17

1 Add to Cart



Vitality Total™ 50+ Women

Regular Price: \$143.00

Your Preferred Customer Price: \$99.99
Savings: \$43.01
Points: 52

1 Add to Cart

EXHIBIT 6

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-03-10 14:22:59 ET

Serial Number: 85195486 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

VITALITY 6

(words only): [VITALITY 6](#)

Standard Character claim: [Yes](#)

Current Status: [New application will be assigned to an examining attorney approximately 3 months after filing date.](#)

Date of Status: [2010-12-14](#)

Filing Date: [2010-12-10](#)

Filed as TEAS Plus Application: [Yes](#)

Currently TEAS Plus Application: [Yes](#)

Transformed into a National Application: [No](#)

Registration Date: (DATE NOT AVAILABLE)

Register: [Principal](#)

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [042 -New Application Processing](#)

Date In Location: [2010-12-14](#)

1. [Melaleuca, Inc.](#)

Address:

[Melaleuca, Inc.](#)

[Attn: Legal Department 3910 S. Yellowstone Hwy.](#)

[Idaho Falls, ID 83402](#)

[United States](#)

Legal Entity Type: [Corporation](#)

State or Country of Incorporation: [Idaho](#)

Phone Number: [208-522-0700](#)

Fax Number: [208-534-2063](#)

GOODS AND/OR SERVICES

International Class: [005](#)

Class Status: [Active](#)

[Dietary and nutritional supplements](#)

Basis: [1\(a\)](#)

First Use Date: [2008-08-27](#)

First Use in Commerce Date: [2008-08-27](#)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2010-12-16 - Notice Of Pseudo Mark Mailed](#)

[2010-12-15 - New Application Office Supplied Data Entered In Tram](#)

[2010-12-14 - New Application Entered In Tram](#)

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

[MELALEUCA, INC.](#)

[MELALEUCA, INC.](#)

[3910 S YELLOWSTONE HWY](#)

IDAHO FALLS, ID 83402-6003

Phone Number: 208-522-0700

Fax Number: 208-534-2063

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85195486

Filing Date: 12/10/2010

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	VITALITY 6
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	VITALITY 6
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Melaleuca, Inc.
INTERNAL ADDRESS	Attn: Legal Department
*STREET	3910 S. Yellowstone Hwy.
*CITY	Idaho Falls
*STATE (Required for U.S. applicants)	Idaho
*COUNTRY	United States
*ZIP/POSTAL CODE	83402

(Required for U.S. applicants only)	
PHONE	208-522-0700
FAX	208-534-2063
EMAIL ADDRESS	jehall@melaleuca.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Idaho
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	005
IDENTIFICATION	Dietary and nutritional supplements
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 08/27/2008
FIRST USE IN COMMERCE DATE	At least as early as 08/27/2008
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT 11\851\954\85195486\xml1\ FTK0003.JPG
SPECIMEN DESCRIPTION	EXCERPT FROM WEB PAGE
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/ LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	Melaleuca, Inc.
FIRM NAME	Melaleuca, Inc.
INTERNAL ADDRESS	Attn: Legal Department

*STREET	3910 S. Yellowstone Hwy.
*CITY	Idaho Falls
*STATE (Required for U.S. applicants)	Idaho
*COUNTRY	United States
*ZIP/POSTAL CODE	83402
PHONE	208-522-0700
FAX	208-534-2063
*EMAIL ADDRESS	jehall@melaleuca.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/William Athay/
* SIGNATORY'S NAME	William Athay
* SIGNATORY'S POSITION	Attorney of record, ID bar member
* DATE SIGNED	12/10/2010

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85195486

Filing Date: 12/10/2010

To the Commissioner for Trademarks:

MARK: VITALITY 6 (Standard Characters, see mark)

The literal element of the mark consists of VITALITY 6.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Melaleuca, Inc., a corporation of Idaho, having an address of

Attn: Legal Department,
3910 S. Yellowstone Hwy.
Idaho Falls, Idaho 83402
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 005: Dietary and nutritional supplements

In International Class 005, the mark was first used at least as early as 08/27/2008, and first used in commerce at least as early as 08/27/2008, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) EXCERPT FROM WEB PAGE.

Specimen File1

The applicant's current Correspondence Information:

Melaleuca, Inc.
Melaleuca, Inc.
Attn: Legal Department
3910 S. Yellowstone Hwy.
Idaho Falls, Idaho 83402
208-522-0700(phone)
208-534-2063(fax)
jehall@melaleuca.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /William Athay/ Date Signed: 12/10/2010

Signatory's Name: William Athay

Signatory's Position: Attorney of record, ID bar member

RAM Sale Number: 3419

RAM Accounting Date: 12/13/2010

Serial Number: 85195486

Internet Transmission Date: Fri Dec 10 16:49:17 EST 2010

TEAS Stamp: USPTO/FTK-67.134.56.2-201012101649177492

49-85195486-470571058c2c18e2b074fbe2faf8

f9cc86-DA-3419-20101210112812497890

VITALITY 6

Welcome, Stan Holland
Preferred Customer | Loyal Customer Since 2009

My Account Help Center Sign Out

Product Store Business Center Marketplace MyMelaleuca



Enter a product name, SKU, or keyword

Search

My Favorites

My Cart: 0 Items Checkout

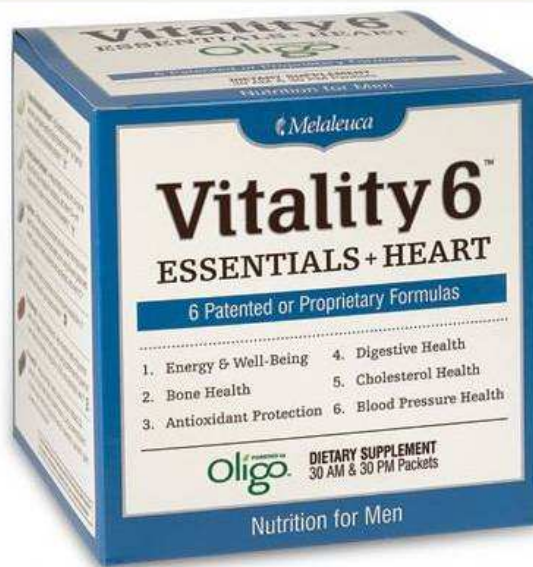
Vitamins & Supplements >
Food & Weight Loss >
Cleaning & Laundry >
Medicine Cabinet >
Dental Care >
Bath & Body >
Beauty >
Candles & Air Fresheners >
Pet Care >
Specials >
Sales Aids & Materials >

Shop by Lifestyle
Shop by Room
Shop by Health Needs
Compare and Save

Shop for:

Oligo Diabetic
Kosher Logo Gear
Gluten-Free Kids

Vitamins & Supplements > Multivitamins > Vitality 6™ (Essentials + Heart) Men



What Makes It Different?

Heart health is a high priority for millions of men and women around the globe. Vitality 6 (Essentials + Heart) Men gives you the nutritional tools you need to live a productive life as well as help maintain heart health. Vitality 6 includes the four core products found in Vitality 4 (Essentials) plus two Melaleuca-exclusive heart health supplements:

Additional Information

Vitality Multivitamin & Mineral™

Download PDF

Melaleuca Anti-Doping Product List

Download PDF

Recommended for you



Vitality Total™ Men

Regular Price: \$143.00

Your Preferred Customer Price: \$99.99
Savings: \$43.01
Points: 54

1 Add to Cart



Vitality Total™ 50+ Men

Regular Price: \$143.00

Your Preferred Customer Price: \$99.99
Savings: \$43.01
Points: 52

1 Add to Cart

Trusted sites

EXHIBIT 7

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-03-10 14:24:06 ET

Serial Number: 85195482 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

VITALITY 4

(words only): [VITALITY 4](#)

Standard Character claim: [Yes](#)

Current Status: [New application will be assigned to an examining attorney approximately 3 months after filing date.](#)

Date of Status: [2010-12-14](#)

Filing Date: [2010-12-10](#)

Filed as TEAS Plus Application: [Yes](#)

Currently TEAS Plus Application: [Yes](#)

Transformed into a National Application: [No](#)

Registration Date: (DATE NOT AVAILABLE)

Register: [Principal](#)

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [042 -New Application Processing](#)

Date In Location: [2010-12-14](#)

1. [Melaleuca, Inc.](#)

Address:

[Melaleuca, Inc.](#)

[Attn: Legal Department 3910 S. Yellowstone Hwy.](#)

[Idaho Falls, ID 83402](#)

[United States](#)

Legal Entity Type: [Corporation](#)

State or Country of Incorporation: [Idaho](#)

Phone Number: [208-522-0700](#)

Fax Number: [208-534-2063](#)

GOODS AND/OR SERVICES

International Class: [005](#)

Class Status: [Active](#)

[Dietary and nutritional supplements](#)

Basis: [1\(a\)](#)

First Use Date: [2008-08-27](#)

First Use in Commerce Date: [2008-08-27](#)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2010-12-16 - Notice Of Pseudo Mark Mailed](#)

[2010-12-15 - New Application Office Supplied Data Entered In Tram](#)

[2010-12-14 - New Application Entered In Tram](#)

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

[MELALEUCA, INC.](#)

[MELALEUCA, INC.](#)

[3910 S YELLOWSTONE HWY](#)

IDAHO FALLS, ID 83402-6003

Phone Number: 208-522-0700

Fax Number: 208-534-2063

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85195482

Filing Date: 12/10/2010

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	VITALITY 4
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	VITALITY 4
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Melaleuca, Inc.
INTERNAL ADDRESS	Attn: Legal Department
*STREET	3910 S. Yellowstone Hwy.
*CITY	Idaho Falls
*STATE (Required for U.S. applicants)	Idaho
*COUNTRY	United States
*ZIP/POSTAL CODE	83402

(Required for U.S. applicants only)	
PHONE	208-522-0700
FAX	208-534-2063
EMAIL ADDRESS	jehall@melaleuca.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Idaho
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	005
IDENTIFICATION	Dietary and nutritional supplements
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 08/27/2008
FIRST USE IN COMMERCE DATE	At least as early as 08/27/2008
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT 11\851\954\85195482\xml1\ FTK0003.JPG
SPECIMEN DESCRIPTION	EXCERPT FROM WEB PAGE
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/ LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	Melaleuca, Inc.
FIRM NAME	Melaleuca, Inc.
INTERNAL ADDRESS	Attn: Legal Department

*STREET	3910 S. Yellowstone Hwy.
*CITY	Idaho Falls
*STATE (Required for U.S. applicants)	Idaho
*COUNTRY	United States
*ZIP/POSTAL CODE	83402
PHONE	208-522-0700
FAX	208-534-2063
*EMAIL ADDRESS	jehall@melaleuca.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/William Athay/
* SIGNATORY'S NAME	William Athay
* SIGNATORY'S POSITION	Attorney of record, ID bar member
* DATE SIGNED	12/10/2010

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85195482

Filing Date: 12/10/2010

To the Commissioner for Trademarks:

MARK: VITALITY 4 (Standard Characters, see mark)

The literal element of the mark consists of VITALITY 4.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Melaleuca, Inc., a corporation of Idaho, having an address of

Attn: Legal Department,
3910 S. Yellowstone Hwy.
Idaho Falls, Idaho 83402
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 005: Dietary and nutritional supplements

In International Class 005, the mark was first used at least as early as 08/27/2008, and first used in commerce at least as early as 08/27/2008, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) EXCERPT FROM WEB PAGE.

Specimen File1

The applicant's current Correspondence Information:

Melaleuca, Inc.
Melaleuca, Inc.
Attn: Legal Department
3910 S. Yellowstone Hwy.
Idaho Falls, Idaho 83402
208-522-0700(phone)
208-534-2063(fax)
jehall@melaleuca.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /William Athay/ Date Signed: 12/10/2010

Signatory's Name: William Athay

Signatory's Position: Attorney of record, ID bar member

RAM Sale Number: 3386

RAM Accounting Date: 12/13/2010

Serial Number: 85195482

Internet Transmission Date: Fri Dec 10 16:47:27 EST 2010

TEAS Stamp: USPTO/FTK-67.134.56.2-201012101647274029

65-85195482-470c7778832de36feef371598deb

1ac6c-DA-3386-20101210111627657417

VITALITY 4

Welcome, Stan Holland
Preferred Customer | Loyal Customer Since 2009

My Account Help Center Sign Out

Product Store Business Center Marketplace MyMelaleuca



Enter a product name, SKU, or keyword...

Search

My Favorites

My Cart: 0 Items

Checkout

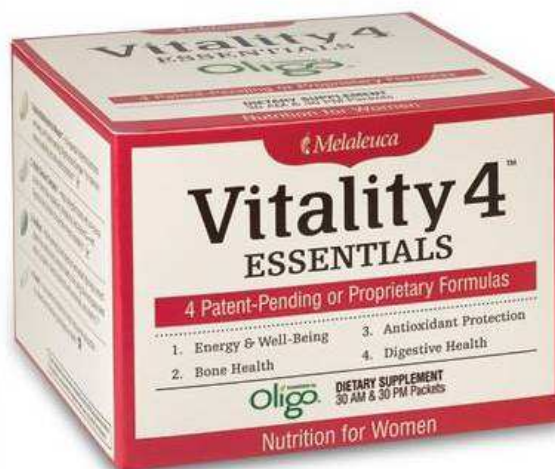
Vitamins & Supplements >
Food & Weight Loss >
Cleaning & Laundry >
Medicine Cabinet >
Dental Care >
Bath & Body >
Beauty >
Candles & Air Fresheners >
Pet Care >
Specials >
Sales Aids & Materials >

Shop by Lifestyle
Shop by Room
Shop by Health Needs
Compare and Save

Shop for:

Oligo Diabetic
Kosher Logo Gear
Gluten-Free Kids

Vitamins & Supplements > Multivitamins > Vitality 4™ (Essentials) Women



Close X

What Makes It Different?

The Vitality 4 (Essentials) Women delivers the core nutrients every woman needs to maintain optimal health and to help keep you feeling full of life every day. It includes the research-recommended amounts of critical nutrients from the ideal sources for results you can actually feel. Conveniently packed in easy-to-use AM and PM packets, Vitality 4 (Essentials) saves you 26% compared to buying the bottles individually. Vitality 4

Additional Information

Vitality Multivitamin & Mineral™

Download PDF

Melaleuca Anti-Doping Product List

Download PDF

Recommended for you



Vitality 6™
(Essentials + Heart)
Women

Regular Price: \$104.50

Your Preferred

Customer Price: \$72.99

Savings: \$31.51

Points: 42

1 Add to Cart



Vitality Total™
Women

Regular Price: \$143.00

Your Preferred

Customer Price: \$99.99

Savings: \$43.01

Points: 54

Trusted sites

EXHIBIT 8

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-03-10 14:25:26 ET

Serial Number: 85195477 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

VITALITY CALCIUM COMPLETE

(words only): [VITALITY CALCIUM COMPLETE](#)

Standard Character claim: Yes

Current Status: [New application will be assigned to an examining attorney approximately 3 months after filing date.](#)

Date of Status: [2010-12-14](#)

Filing Date: [2010-12-10](#)

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: [Principal](#)

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [042 -New Application Processing](#)

Date In Location: [2010-12-14](#)

1. [Melaleuca, Inc.](#)

Address:

[Melaleuca, Inc.](#)

[Attn: Legal Dept. 3910 S. Yellowstone Hwy.](#)

[Idaho Falls, ID 83402](#)

[United States](#)

Legal Entity Type: [Corporation](#)

State or Country of Incorporation: [Idaho](#)

Phone Number: [208-522-0700](#)

Fax Number: [208-534-2063](#)

GOODS AND/OR SERVICES

International Class: [005](#)

Class Status: [Active](#)

[Dietary and nutritional supplements](#)

Basis: [1\(a\)](#)

First Use Date: [2008-08-21](#)

First Use in Commerce Date: [2008-08-21](#)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2010-12-15 - New Application Office Supplied Data Entered In Tram](#)

[2010-12-14 - New Application Entered In Tram](#)

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

[MELALEUCA, INC.](#)

[MELALEUCA, INC.](#)

[3910 S YELLOWSTONE HWY](#)

[IDAHO FALLS, ID 83402-6003](#)

[Phone Number: 208-522-0700](#)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85195477

Filing Date: 12/10/2010

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

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USPTO-GENERATED IMAGE	YES
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APPLICANT INFORMATION	
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*STREET	3910 S. Yellowstone Hwy.
*CITY	Idaho Falls
*STATE (Required for U.S. applicants)	Idaho
*COUNTRY	United States
*ZIP/POSTAL CODE	83402

(Required for U.S. applicants only)	
PHONE	208-522-0700
FAX	208-534-2063
EMAIL ADDRESS	jehall@melaleuca.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
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*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Idaho
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	005
IDENTIFICATION	Dietary and nutritional supplements
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 08/21/2008
FIRST USE IN COMMERCE DATE	At least as early as 08/21/2008
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT 11\851\954\85195477\xml1\ FTK0003.JPG
SPECIMEN DESCRIPTION	EXCERPT FROM WEB PAGE
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/ LIKENESS) (if applicable)	
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NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
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* SIGNATURE	/William Athay/
* SIGNATORY'S NAME	William Athay
* SIGNATORY'S POSITION	Attorney of record, ID bar member
* DATE SIGNED	12/10/2010

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85195477

Filing Date: 12/10/2010

To the Commissioner for Trademarks:

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The applicant, Melaleuca, Inc., a corporation of Idaho, having an address of

Attn: Legal Dept.,

3910 S. Yellowstone Hwy.

Idaho Falls, Idaho 83402

United States

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Melaleuca, Inc.

Attn: Legal Dept.

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Idaho Falls, Idaho 83402

208-522-0700(phone)

208-534-2063(fax)

jehall@melaleuca.com (authorized)

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fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /William Athay/ Date Signed: 12/10/2010

Signatory's Name: William Athay

Signatory's Position: Attorney of record, ID bar member

RAM Sale Number: 3354

RAM Accounting Date: 12/13/2010

Serial Number: 85195477

Internet Transmission Date: Fri Dec 10 16:46:06 EST 2010

TEAS Stamp: USPTO/FTK-67.134.56.2-201012101646069679

27-85195477-470c997e017963e43e3b617a4611

3cac6-DA-3354-20101210105749595087

VITALITY CALCIUM COMPLETE

Welcome, Stan Holland
Preferred Customer | Loyal Customer Since 2009

My Account Help Center Sign Out

Product Store Business Center Marketplace MyMelaleuca



Enter a product name, SKU, or keyword...

Search

My Favorites

My Cart: 0 Items

Checkout

- Vitamins & Supplements >
- Food & Weight Loss >
- Cleaning & Laundry >
- Medicine Cabinet >
- Dental Care >
- Bath & Body >
- Beauty >
- Candles & Air Fresheners >
- Pet Care >
- Specials >
- Sales Aids & Materials >

- Shop by Lifestyle
- Shop by Room
- Shop by Health Needs
- Compare and Save

Shop for:

- Oligo Diabetic
- Kosher Logo Gear
- Gluten-Free Kids

Vitamins & Supplements > Multi vitamins > Vitality Calcium Complete™

Close X



What Makes It Different?

Vitality Calcium Complete includes a proprietary four-source calcium blend plus magnesium, phosphorus, and vitamin D to help strengthen bones*†—with Oligo™ to help maximize mineral absorption.

The Oligo Difference

Essential for a vibrant life, better health, and more energy.

Additional Information

Melaleuca Anti-Doping Product List

Download PDF

PDF documents require Adobe Acrobat Reader to view.

Recommended for you



Vitality Pack® Women

Regular Price: \$29.00

Your Preferred Customer Price: \$19.99
Savings: \$9.01
Points: 15

1 Add to Cart



Vitality 4™ (Essentials) Women

Regular Price: \$60.00

Your Preferred Customer Price: \$41.99
Savings: \$18.01
Points: 27

1 Add to Cart